

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY STEVEN WRIGHT,

Defendant.

4:01-CR-3040

ORDER

The defendant has filed a motion ([filing 378](#)) to extend the time to appeal from the Court's April 15, 2024 order ([filing 370](#)). That motion will be granted, and the defendant may appeal on or before May 29, 2024. The defendant is advised that the Court has no power to extend the appeal deadline beyond that. *See* [Fed. R. App. P. 4\(b\)\(4\)](#). The defendant is further advised that pursuant to [Fed. R. App. P. 4\(c\)\(1\)](#):

If an inmate files a notice of appeal in either a civil or a criminal case, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing and:

(A) it is accompanied by:

(i) a declaration [made under penalty of perjury] in compliance with [28 U.S.C. § 1746](#)—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid; or

(ii) evidence (such as a postmark or date stamp) showing that the notice was so deposited and that postage was prepaid. . . .

And if an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of Rule 4(c)(1). *Id.*

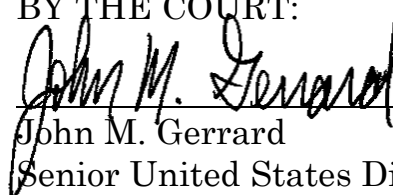
The defendant has also moved for a certificate of appealability. [Filing 379](#). No certificate of appealability is required for an appeal from an order denying a motion to reduce sentence. *See* [28 U.S.C. § 2253\(c\)](#). Accordingly, the Court will deny that motion as moot.

IT IS ORDERED:

1. The defendant's motion to extend ([filing 378](#)) is granted.
2. The defendant may file his notice of appeal with this Court on or before May 29, 2024.
3. The defendant's motion for a certificate of appealability ([filing 379](#)) is denied as moot.

Dated this 13th day of May, 2024.

BY THE COURT:

  
\_\_\_\_\_  
John M. Gerrard  
Senior United States District Judge